

November 21, 2011 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, November 21, 2011 at 6:30 P.M.

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Edward J. Silveira, Jr.

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (2) Litigation (Barrett vs. Town of Middletown).

On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 6:33 P.M. and reconvene in executive session.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene in open session at 7:00 P.M.

On motion of Vice President Long, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to

Section 42-46-7. RIGL.

PUBLIC FORUM SESSION

1. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

PRESENTATION

2. Communication of Tina Dolen, Executive Director, Aquidneck Island Planning Commission, re: Seeking a letter of Council support (on conceptual basis only) for a proposed program to serve the

energy needs of Newport and Bristol Counties.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and begin presentation.

Sarah Cookson, Energy Coordinator representing the AIPC, addressed the Council requesting a letter of support of interest for the concept for AIPC to collaborate with RI EDC as an Energy Clearinghouse, outlined in the above communication. The proposal is just for Aquidneck Island and would be a working document.

Council President Weber noted that the AIPC can provide factual information to the Town.

Vice President Long explained that communities are struggling with energy issues and noted concern that the timing for this effort is not good. Mr. Long requests the vote for a letter of support be addressed at the next regular meeting of the Council.

Councillor VonVillas clarified that the AIPC would be used as a repository for information.

Councillor Silveira noted the need to continue supporting the agency.

On motion of Councillor VonVillas, duly seconded, it was voted to write a letter of support, simply a repository of information, to move them forward; Vice President Long, Councillor Semonelli and Councillor Viveiros voted NO to said motion.

CONSENT

3. Approval of Minutes, re: Regular Meeting, November 7, 2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

4. Resolutions and Email Communications from Rhode Island Cities and Towns, re: Requesting support for proposed Statewide Pension Reform, Opposing House Bill 5554 Sub A and Senate Bill 0533 (Zoning Ordinances), Repealing of Tax on Tours and Support of Middletown resolution. (See attached list)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolutions and email communications.

5. (Continued from Regular Meeting, October 3, 2011)

(Continued from Regular Meeting, September 6, 2011)

(Continued from Regular Meeting, July 18, 2011)

Memorandum of Town Administrator, with enclosures, re: RIDEM Draft Agreement for Third Beach Boat Ramp Funding. (At the

September 6, 2011 Regular Meeting of the Council, this item was continued to November 21, 2011 Regular Meeting of the Council. On November 7, 2011 the Council voted unanimously to remove the authority for the Town Administrator to execute the agreement with RIDEM for federal funds to be used to replace the Third Beach Boat Ramp.) (Attached is the communication from Town Administrator to RIDEM)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

6. Petition received from William F. Dickerson and Kathleen M. Dickerson for perpetual care of burial lot 42 in Section 49 of the Middletown Cemetery.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive and approve said petition.

7. Petition received from John S. Mellekas and Martha T. Mellekas for perpetual care of burial lots 43, 44 and 45 in Section 49 of the Middletown Cemetery.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive and approve said petition.

8. Communication of G. Eben Milne, Esquire, Martinous Law Associates, Ltd, representing Angel L. Betancourt, re: Notice of Injury Pursuant to RIGL §45-15-9.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

9. Communication of Finance Director, dated November 14, 2011, thru Town Administrator, with enclosures, re: Cancellations of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

10. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

11. Communication of Finance Director, dated November 16, 2011, thru Town Administrator, with enclosures, re: Cancellations of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.

12. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

13. Memorandum of Town Administrator, with enclosures, re: Surplus Vehicles & Equipment.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

14. Resolution of the Council, re: Surplus Vehicles & Equipment.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

15. Application of Adbul Khan dba Sams Food Mart, 356 West Main Road, for renewal of a Victualling House License for the 2011-2012 licensing year.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.

16. Application of Leaky, Inc. dba Subway, 58 Aquidneck Avenue, for renewal of a Victualling House License for the 2011-2012 licensing year.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.

17. Application for Special Event Permit from Embrace Home Loans, 110 Enterprise Center for a Christmas Party to be held on Saturday, December 3, 2011 from 11:00 am until 3:00 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said Special Event permit.

LICENSES AND PERMITS

18. Application of Pauline Miller, 661 West Main Road, Unit #3, for a Fortunetellers License for the 2011-2012 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

Councillor Silveira recused himself from acting on the following two

items, #19 and #20, due to a possible conflict of interest, business related.

19. Application of MOPO, Inc. dba French Confection, 72 East Main Road, for a Victualling House License for the 2010-2011 licensing year. (NEW)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.

20. Application of MOPO, Inc. dba French Confection, 72 East Main Road, for (RENEWAL) of a Victualling House License for the 2011-2012 licensing year.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.

PUBLIC HEARINGS

21. (Public Hearing Advertised)

Public Hearing Remains Open.

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, changing text, Article 6 – Application of District Regulations, Section 603-District Dimensional regulations, Section 605 Maximum Building Footprint and Article 13 Off-Street Parking and Loading, Section 1304 Minimum and Maximum Off-Street Parking. (Planning Board recommendation attached)

Public Hearing remains open.

There being no persons present desiring to be heard public hearing was declared closed.

On motion of Vice President Long, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

TOWN COUNCIL

22. Discussion of Small Wind Turbines. (No Documentation)

On motion of Vice President Long, duly seconded, it was voted unanimously to begin said discussion.

Council President Weber noted that at the last regular meeting of the Council, the Wind Turbine moratorium was extended for six months.

Vince Cermak, 24 Wood Road, addressed the Council noting that the

current market of wind turbines includes a vertical axis turbine, which sets at the roof line. Mr. Cermak explained that he has no objection to wind turbines. He presented a handout to the Council concerning the Future of Energy, which is on file in the Office of the Town Clerk.

Town Planner Ronald Wolanski reviewed the memorandum entered here:

Discussion centered around small wind turbines, special use permits needed to construct a wind turbine, noise, shadow and flicker caused by wind turbines, the current wind turbine ordinance, the effect of wind turbines on neighbors, public workshops concerning wind turbines, a resident survey concerning wind turbines and state studies of wind turbines.

Town Solicitor Michael W. Miller read the following sections of the Wind Turbine ordinance entered here:

Councillor Cambra suggested that the Council wait for the state studies, send the ordinance to the Planning Board for review and hold public workshops on wind turbines.

Councillor Viveiros suggests hiring an engineer to advise the Council concerning wind turbines.

Councillor Semonelli expressed concern for residents that may be impacted by a wind turbine.

Councillor Silveira noted that he is in favor of renewable energy, however; does not want wind turbines constructed throughout the Town. Mr. Silveira suggests a municipal wind turbine to benefit all residents.

Councillor VonVillas requested information concerning small wind turbines. Ms. VonVillas believes that the AIPC will be gathering information concerning wind energy. Councillor VonVillas noted that

there is a URI study concerning wind turbines, which will be completed by the end of March 2012.

Vice President Long expressed concern of wind turbines impacting residents. Mr. Long noted the need for more information concerning wind turbines and input from the residents.

Council President Weber reviewed the discussion, noting that a public hearing should be scheduled concerning wind turbines; information needs to be gathered regarding wind turbines and a revision of the current wind turbine ordinance.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to reconvene in March to discuss wind turbines, to look at the results of the two studies and perhaps plan some future workshops.

COMMUNICATIONS TOWN ADMINISTRATOR

23. Memorandum of Town Administrator, with enclosures, re: RI Energy Aggregation Program (REAP) Electricity Supply Agreement renewal.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown noted that the Town will realize a cost savings of \$71,000. from this agreement.

24. Resolution of the Council, re: Approving entering into an Electricity Service Agreement with Direct Energy.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

25. Memorandum of Town Administrator, re: Holiday Donation – Request for Matching Funds.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and authorize \$500. to be allocated from the Council President Discretionary fund.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 8:20 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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